



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/245,798	02/05/1999	MIKE O'DONNELL	1690-1-1	5408
996 7590 01/15/2009 GRAYBEAL JACKSON LLP 155 - 108TH AVENUE NE SUITE 350 BELLEVUE, WA 98004-5973			EXAMINER BOSWELL, BETH V	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 01/15/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte: MIKE O'DONNELL and ANDREW CAMERON

Application No. 09/245,798
Technology Center 3600

Mailed: 15 January 2009

Before LAWRENCE J. BANKS *Paralegal Specialist*
BANKS, *Paralegal Specialist*.

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received by the Board of Patent Appeals and Interferences on September 22, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter(s) requiring attention prior to docketing.

APPEAL BRIEF, GROUNDS OF REJECTION

A review of the file finds that the grounds of rejection of the claims as provided in the Appeal Brief filed March 17, 2008, under the heading “Grounds of rejection to be reviewed on appeal” is unclear and/or is not consistent with the grounds of rejection of claims of record. The grounds of rejection of the claims as provided in the Appeal Brief must be consistent with the last Office action of record, including any Advisory action responsive to any after final submissions. Each Grounds of rejection to be reviewed on appeal must be identified.

A review of the last Office action, including any mailed Advisory Action(s) finds that claims 127, 130-137, 139-141, 143, 144, 146, and 147 are rejected under 35 USC § 103(a) in a combination of references; whereas Appellant(s) did not indicate the grounds of rejection of these claims. Correction of the Grounds of rejection to be reviewed on appeal for all claims is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner to:

1) hold the Appeal Brief filed on March 17, 2008, defective;

- 2) notify Appellant to file a paper properly addressing the Grounds of rejection of all claims; and
- 3) for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

GRAYBEAL, JACKSON, HALEY LLP
155 - 108TH AVENUE NE
SUITE 350
BELLEVUE WA 98004-5973